

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF TENNESSEE
NASHVILLE DIVISION**

TENNESSEE CONFERENCE of the NATIONAL ASSOCIATION for the ADVANCEMENT of COLORED PEOPLE, on behalf of itself and its members, and LAMAR PERRY, CURTIS GRAY, Jr, JOHN WEARE, BENJAMIN TOURNIER, LEOLA SCOTT, and REGINALD HENDRIX, for themselves and those similarly situated,

Plaintiffs,

v.

WILLIAM LEE, in his official capacity as Governor of the State of Tennessee, TONY C. PARKER, in his official capacity as Commissioner of the Department of Correction of the State of Tennessee, MARK GOINS, in his official capacity as Coordinator of Elections for the State of Tennessee, and TRE HARGETT, in his official capacity as Secretary of State of the State of Tennessee, , as a class, all Tennessee county clerks of criminal court, and, as a class, all directors of local offices of probation,

Defendants.

Civil No. 3:20-cv-01039

JUDGE WILLIAM L. CAMPBELL
Magistrate Judge Jeffrey S. Frensley

CLASS ACTION

PLAINTIFFS' MOTION FOR CLASS CERTIFICATION

Plaintiffs respectfully move this Court to enter an order certifying Counts One, Two, and Three of this case as a class action pursuant to Federal Rules of Civil Procedure 23(a) and 23(b)(2), and appointing the undersigned counsel as class counsel, for the reasons set forth in this Motion and the accompanying Memorandum of Law. Pursuant to Local Rule 7.01(a)(1), Plaintiffs have conferred with counsel for Defendants who have stated that they plan to oppose this motion.

In Tennessee, individuals who are disenfranchised because of a felony conviction face a decentralized and error-ridden process when seeking restoration of their voting rights. Denials of

restoration are unexplained and there is no avenue for appeal. Tennessee's failure to administer the statutorily required restoration process violates the Fourteenth Amendment of the United States Constitution.

Named Plaintiffs Lamar Perry, Curtis Gray, John Weare, Benjamin Tournier, Leola Scott, and Reginald Hendrix seek to serve as Class Representatives and represent a class pursuant to Counts One, Two, and Three of Plaintiffs' First Amended Complaint, Doc. 99-1, to be defined as:

Tennessee residents who have been disenfranchised because of a felony conviction and have requested or attempted to request a Certification of Restoration ("COR") from the pardoning, incarcerating, or supervising authority, but to date have not received a COR sufficient to restore their voting rights.

As explained in the accompanying Memorandum of Law, class certification is appropriate under Federal Rules of Civil Procedure 23(a) and 23(b)(2) because: (1) joinder of all class members is impracticable; (2) the class presents common questions of law and fact; (3) the claims of Class Representatives are typical of the claims of the members of the putative class; (4) Class Representatives and their attorneys are adequate representatives for the putative class; and (5) Defendant has acted or refused to act on grounds that apply generally to the class, such that declaratory and injunctive relief is appropriate for the class as a whole.

This Motion is based on (1) the accompanying Memorandum of Law and exhibits attached thereto, (2) the concurrently filed expert submission of Traci Burch, (3) the concurrently filed declarations of Danielle Lang, Keeda Haynes, Charles K. Grant, and Natasha Baker, for all undersigned counsel, (4), all pleadings and papers on file with the Court in this action, and (5) all other materials which may be presented to the Court at or before the hearing on this Motion. WHEREFORE Plaintiffs respectfully request that the Court certify their proposed class pursuant to Rule 23(b)(2) and appoint the undersigned as class counsel.

Date: November 1, 2022

Respectfully submitted,

/s/ Charles K. Grant

Charles K. Grant, BPR No. 017081
Denmark J. Grant, BPR No. 036808
BAKER, DONELSON, BEARMAN,
CALDWELL & BERKOWITZ, PC
211 Commerce Street, Suite 800
Nashville, TN 37201
Telephone: (615) 726-5600
Facsimile: (615) 726-0464
cgrant@bakerdonelson.com
dgrant@bakerdonelson.com

Danielle Lang*
Blair Bowie*
Alice Huling*
Aseem Mulji*
Valencia Richardson**
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005
(202)-736-2200
Dlang@campaignlegal.org
Bbowie@campaignlegal.org
Ahuling@campaignlegal.org
Amulji@campaignlegal.org
Vrichardson@campaignlegal.org

Keeda Haynes, BPR No. 031518
Free Hearts
2013 25th Ave N,
Nashville, TN 37208
(615) 479-5530
keeda@freeheartsorg.com

Phil Telfeyan
Natasha Baker*
Equal Justice Under Law
400 7th St. NW, Suite 602
Washington, D.C. 20004
(202) 505-2058
ptelfeyan@equaljusticeunderlaw.org
nbaker@equaljusticeunderlaw.org

Counsel for Plaintiffs and the

Putative Class

* Admitted pro hac vice

** Application for admission pro hac vice pending

CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was served on November 1, 2022 by operation of the Court's electronic filing system on the following:

JANET M. KLEINFELTER (BPR #13889)
Deputy Attorney General
Janet.kleinfelter@ag.tn.gov

ALEXANDER S. RIEGER (BPR #29362)
Assistant Attorney General
Alex.rieger@ag.tn.gov

MATTHEW D. CLOUTIER (BPR #36710)
Assistant Attorney General
Matt.cloutier@ag.tn.gov

Office of the Tennessee Attorney General
Public Interest Division
P.O. Box 20207
Nashville, TN 37202

Attorneys for State Defendants

/s/ Charles K. Grant
Charles K. Grant

CERTIFICATE OF CONFERENCE

Pursuant to Local Rule 7.01(a)(1), I have conferred with counsel for Defendants by phone. Defendants' Counsel have stated that they plan to oppose this motion.

Date: November 1, 2022

/s/ _Blair Bowie_____
Blair Bowie*
Campaign Legal Center
1101 14th St. NW, Suite 400
Washington, DC 20005
(202)-736-2200
bbowie@campaignlegal.org

*Admitted pro hac vice